

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT	)	PDC CASE NO: 04-309
ACTION AGAINST	)	
	)	
Washington State Farm Bureau	)	Notice of Administrative
	)	Charges
	)	
Respondent.	)	
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IT IS ALLEGED as follows:

**I.**  
**JURISDICTION**

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

**II.**  
**LAW**

**RCW 42.17.020(29)** states, “ ‘Lobbyist’s employer’ means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.”

**RCW 42.17.180** states in part the following:

“(2)(a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by

the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution which is made through a registered lobbyist and reportable under RCW 42.17.170.”

**WAC 390-20-111 Form for lobbyist employers report of political contributions**, states in part: “The official form entitled “Employer of Lobbyist Monthly Political Contribution Report” as required by RCW 42.17.180(2)(a) is designated “L-3c” revised 1/02.”

### **III.** **BACKGROUND**

The Washington State Farm Bureau (WSFB) is the state association for local farm bureaus from around the State of Washington. The WSFB is a “lobbyist employer” that has reported its activities with the Public Disclosure Commission (PDC) for a number of years. The WSFB also has a political committee that is registered with the PDC, Washington State Farm Bureau PAC. WSFB was listed as the employer of seven lobbyists registered with the PDC for calendar year 2003.

On October 28, 2003, a complaint was filed by Diane McDaniel of the Washington State Labor Council alleging that the WSFB violated RCW 42.17 by failing to report in-kind contributions to Workers Against Job Killing Rules (WAJKR), a political committee supporting a statewide initiative, I-841. The complaint alleged that WSFB failed to report the in-kind contributions for editorial board appearances, speaker requests and press contacts supporting the efforts of WAJKR on either the monthly Lobbyist Expense Report (PDC Form L-2) of its lobbyists or on the monthly Lobbyist Employer Contribution Report (PDC Form L-3c). The issues in the complaint are being handled separately from this enforcement hearing.

After receiving the complaint concerning the alleged failure to report in-kind contributions, WSFB notified PDC staff that it had failed to timely report a sizeable monetary contribution to WAJKR. That contribution is the subject of this enforcement proceeding.

#### **IV.** **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference.

**Failure to file a Lobbyist Employer's Contribution Report (PDC form L-3c) covering a monthly contribution made during September 2003, due by the 15<sup>th</sup> of the following month (RCW 42.17.180)**

The Respondent, WSFB, is a "lobbyist employer" as defined in RCW 42.17.020(29). WSFB was listed as the employer of seven lobbyists registered with the PDC for calendar year 2003. Those seven lobbyists were Steve Appel, Patrick Batts, Dan Fazio, Hertha Lund, Robyn Meenach, Mike Poulson, and Dan Wood.

A column in the *October 2003 Farm Bureau News* entitled "*From the President's Desk*" included the statement, "*We also worked this summer with a coalition of business groups to get the initiative on the ballot. And the WFB Board of Directors recently committed \$50,000 to get the word out about the terrible impact these regulations would have on jobs...*" WSFB said they were solicited by WAJKR to make a contribution to the I-841 committee, and approved the contribution on September 17, 2003.

A review of PDC form C-3 filed by WAJKR on September 29, 2003, disclosed that the committee received a \$50,000 contribution on September 24, 2003 from WSFB.

On November 14, 2003, WSFB filed PDC form L-3c disclosing that it made a \$50,000 monetary contribution to WAJKR on September 22, 2003. The contribution was hand delivered to WAJKR on September 24, 2003. The contribution was required to be reported by WSFB on PDC form L-3c by October 15, 2003. It was reported 30 days late on November 14, 2003, ten days after the November 4, 2003 general election.

The contribution was not reported on behalf of WSFB by any of the seven registered lobbyists of WSFB (Steve Appel, Patrick Batts, Dan Fazio, Hertha Lund, Robyn Meenach, Mike Poulson, or Dan Wood). Thus, WSFB had a reporting obligation.<sup>1</sup>

## **V. CONCLUSION**

- WSFB was an employer of seven lobbyists during 2003.
- WSFB made a \$50,000 monetary contribution on September 24, 2003 to WAJKR, the committee supporting passage of Initiative 841, a statewide initiative on the 2003 general election ballot.
- WSFB failed to timely file a monthly contribution report (PDC form L-3c) as required by RCW 42.17.180. The report was due by October 15, 2003.
- None of the seven registered lobbyists of WSFB reported the \$50,000 contribution on monthly lobbyist expense report, PDC form L-2.

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<sup>1</sup> Registered lobbyists can relieve their employers of the special reporting requirement by disclosing the contributions on the lobbyist's monthly report. None of the lobbyists for WSFB reported the contribution made by WSFB on his or her monthly lobbyist report.

Staff alleges, based on the facts specified in Section IV, that WSFB has violated RCW 42.17.180 by failing to timely file a Lobbyist Employer report of contributions (PDC form L-3c) for a \$50,000 monetary contribution made September 24, 2003.

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of May, 2004.

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Philip E. Stutzman  
Director of Compliance